

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-50 Erie
)	
JOHN JOSEPH PRICE, JR.)	

**MOTION FOR ORDER DIRECTING UNITED STATES MARSHAL TO
PAY WITNESS FEES, INCLUDING TRANSPORTATION EXPENSES, FOR
DEFENDANT'S WITNESS DEBORAH FISCHER**

AND NOW, comes the defendant, John Joseph Price, Jr., by his attorney, Assistant Federal Public Defender Thomas W. Patton, and pursuant to 28 U.S.C. § 1825(a), respectfully requests an Order directing the United States Marshal to arrange for Defendant's witness Deborah Fischer's transportation from Los Angeles, California to Erie, Pennsylvania to testify at the evidentiary hearing set for Thursday, February 16, 2006 at 1:30 p.m. together with statutorily permitted funds for subsistence expenses to her destination. In support thereof counsel states:

1. This Court has set an evidentiary hearing in this case for Thursday, February 16, 2006 at 1:30 p.m. on Mr. Price's motion to suppress.
2. Deborah Fischer lives in Los Angeles, California, and will have to travel to Erie for the hearing via common carrier.
3. Title 28, U.S.C., §1825(a)(1) reads:

Payment of fees

In any case in which the United States or an officer or agency of the United States is a party, the United States marshal for the district shall pay all fees of witnesses on the certificate of the United States attorney or assistant United States attorney, and in the proceedings before a United States magistrate, on the certificate of such magistrate, except that any fees of defense

witnesses, other than experts, appearing pursuant to subpoenas issued upon approval of the court, shall be paid by the United States marshal for the district--

(1) on the certificate of a Federal public defender or assistant Federal public defender, in a criminal case in which the defendant is represented by such Federal public defender or assistant Federal public defender

4. Mr. Price is represented by the Federal Public Defender's Office and Ms.

Fischer is appearing at the suppression hearing pursuant to a subpoena issued upon approval of this Court, therefore, 28 U.S.C. § 1825 applies to this proceeding. The cost of a witness who must travel by common carrier to attend any hearing before a United States Magistrate is properly included in the witness' fee. 28 U.S.C. § 1821(c)(1). Accordingly, Mr. Price requests that this Court order the Marshal's Service to arrange for, and pay the cost of travel for Deborah Fischer from Los Angeles, California to Erie, Pennsylvania.

WHEREFORE, for the foregoing reasons, Mr. Price respectfully requests that this Court issue an Order directing the United States marshal to arrange for Deborah Fischer's transportation from Los Angeles, California to Erie, Pennsylvania.

Respectfully submitted,

/s/ Thomas W. Patton
Thomas W. Patton
Assistant Federal Public Defender
P.A. I.D. No. 88653